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DECEMBER 5, 2005

Jenna M. Morrison
Jenna M. Morrison, Patent Attorney

APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 CFR §1.705(b)
Examining Group 1654
Patent Application
Docket No. USF-T141X
Serial No. 09/811,945

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DEC 05 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Anish Gupta
Art Unit : 1654
Applicants : Said M. Sebt, and Andrew D. Hamilton
Serial No. : 09/811,945
Filed : March 21, 2001
For : Growth Factor Binding Molecules

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPLICATION FOR PATENT ADJUSTMENT UNDER 37 CFR §1.705(b)

Sir:

The subject application was filed on March 21, 2001. Applicants received a Notice to File Missing Parts dated May 30, 2001, for which a reply was filed by applicants on October 1, 2001 (copy of return receipt postcard enclosed). However, applicants subsequently received a Notice of Incomplete Reply dated October 26, 2001 (copy enclosed) for failure to provide corrected drawings. Applicants filed a reply to the Notice of Incomplete Reply on March 1, 2002 (cover page attached), which was outside the maximum statutory period for reply. Therefore, included with applicants' March 1, 2002 submission was a Petition to Revive Unintentionally Abandoned Application (copy of cover page listing enclosures and copy of return receipt postcard enclosed). Applicants' Petition was granted pursuant to the Decision on Petition (copy enclosed) dated June 6, 2002. The time period from August 30, 2001 (the timely date for reply to the original Notice to File Missing Parts) to date of the Decision on Petition of June 6, 2002 constitutes an applicant delay of 280 days. The PAIR record indicates an *incorrect applicant delay of 417 days*.

Upon revival of the subject application, applicants received a Notice to Comply with regard to Sequence Listings dated June 21, 2002. Applicants filed a response to the Notice to Comply by

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Docket No. USF-T141X
Serial No. 09/811,945

filing new sequence listings with a preliminary amendment on October 21, 2002. This constituted an applicant delay of 30 days.

No further action was taken in this application until a Restriction Requirement was mailed on November 18, 2003. This constituted a Patent Office delay of 546 days. Applicants filed an Election on January 7, 2004 via facsimile, which constituted no applicant delay.

A second Restriction Requirement was mailed May 4, 2004, which constituted no Patent Office delay. Applicants' second Election was filed on June 4, 2004 constituting no applicant delay.

An Office Action dated September 9, 2004 was then received by applicants. An Amendment Under 37 CFR 1.111 in reply thereto was mailed and received in the Patent Office on November 22, 2004 constituting no delay on the part of the Patent Office or the applicants.


A further Office Action dated February 25, 2005 was mailed in the subject application with no delay on the part of the Patent Office. An Amendment Under 37 CFR 1.111 was filed by applicants via facsimile on June 23, 2005, which constituted an applicant delay of 29 days.

A Notice of Allowance was mailed September 7, 2005, constituting no delay on the part of the Patent Office. The Determination of Patent Term Adjustment that accompanied the Notice of Allowance indicates a Patent Term Adjustment of 64 days.

The applicants respectfully submit that they are entitled to 207 days of Patent Term Adjustment (546 days of Patent Office delay reduced by 339 days of Applicants' delay, as outlined above).

Please charge the fee of \$200 for this Application for Patent Term Adjustment to Deposit Account No. 19-0065. Any additional fees as required by 37 CFR §§1.16 or 1.17 should be charged to Deposit Account No. 19-0065. Two additional copies of this Application are enclosed.

Respectfully submitted,


Jenna M. Morrison
Patent Attorney
Registration No. 55,468
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

JMM/gld

Enclosures: as stated above

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FACSIMILE COVER SHEET
SALIWANCHIK, LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION

DEC 05 2005

P.O. Box 142950, Gainesville, FL 32614-2950

COURIER: 3107 S.W. Williston Rd., Gainesville, FL 32608

Telephone: (352) 375-8100

Facsimile: (352) 372-5800

www.slsipatents.com

Roman
Saliwanchik
(1926-1999)

Attn: Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Jenna M. Morrison

DATE: December 5, 2005

FAX NO.: (571)273-8300

NO. OF PAGES
(INCLUDING COVER SHEET): 10

SUBJECT/MESSAGE:

Re: Serial No. 09/811,945; filed March 21, 2001
Attorney Docket No. USF-T141X

1. Application for Patent Term Adjustment (PTA) (2 pages)
2. Attachments accompanying Application for Patent Term Adjustment (7 pages)

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UNITED STATES PATENT AND TRADEMARK OFFICE

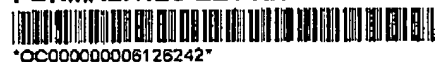
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,945	03/21/2001	Said M. Sebt	114205.1301

PEPPER HAMILTON LLP
600 FOUTEENTH STREET, N.W.
WASHINGTON, DC 20005

CONFIRMATION NO. 1290

FORMALITIES LETTER



OC00000006126242

Date Mailed: 05/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be paid for each missing item identified in this letter.
- The balance due by applicant is \$ 65.

MISSING PARTS DUE: 7/30/2001

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

COPY

The Patent Office acknowledges, and has stamped hereon, the date of receipt of the items checked:

	Fee (\$)
DUE DATE: <u>9/10/01</u> <input checked="" type="checkbox"/> SMALL ENTITY	
Doc. No. <u>114205.301</u> () Information Disclosure Statement W/PTO 1449	
Applicant(s): <u>Serhi et al.</u> () Assignment and Fee (Change of Name)	
Appl. No. <u>09/811945</u> () Certified Priority Doc. (s)	
Filed: <u>3/21/01</u> () Response to Restrict./Elect. Req.	
Group Art Unit: <u>11645</u> () Amendment	
Examiner: <u>Unassigned</u> () Supplemental/Substitute Declaration	
() Request for Approval of Drawing Revisions	
() Notice of Appeal and Fee	
() Appeal Brief (3 copies) and Fee	
() Reply Brief (NO FEE)	<u>200.00</u>
() Extension of Time <u>2</u> mos.	
() Terminal Disclaimer and Fee	
() Formal Drawings _____ Sheets	
() Issue Fee	
() Request for Corrected Filing Receipt	<u>5.00</u>
() Other <u>Notice to file missing parts</u>	
Other <u>Notice to file missing parts</u>	
<input type="checkbox"/> Charge to Deposit Account	Total Fee <u>\$205.00</u>
<input checked="" type="checkbox"/> if any disclosures	Initials: <u>KL</u>
Charge to _____	<u>KL</u>
Deposit Account 50-0436	





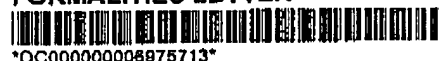
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,945	03/21/2001	Said M. Sebti	114205.1301

CONFIRMATION NO. 1290

FORMALITIES LETTER



OC000000008975713

PEPPER HAMILTON LLP
600 FOUTEENTH STREET, N.W.
WASHINGTON, DC 20005

COPY

Ret'd Km2 4/12/01
Date Mailed: 10/26/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 10/01/2001 to the Notice to File Missing Parts (Notice) mailed 05/30/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

resp due

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Final

Docket No.: PH114205.1301, MZ15101.01301
Customer No. 27160

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**DEC 05 2005**

In re Application of

SEBTI et al.

Application Serial No. 09/811,945

Filed: March 21, 2001

: Group Art Unit: 1645

: Examiner: *Unassigned*

For: GROWTH FACTOR BINDING MATERIALS

TRANSMITTAL LETTER**COPY**

Commissioner for Patents
Washington, D.C. 20231


Dear Sir:

Submitted herewith are the following documents for filing in the above-referenced application:

1. Petition to Revive Unintentionally Abandoned Application;
2. Copy of Notice of Incomplete Reply;
3. Check in the amount of \$640.00 for the petition fee for a small entity applicant;
4. Transmittal of Formal Drawings with sixteen (16) sheets of formal drawings;
5. Petition for Extension of Time with authorization to charge Deposit Account; and
6. Return postcard.

No additional fees are believed to be necessary. However, the Commissioner is hereby authorized to charge any additional fees or to credit any overpayment, to Deposit Account No. 50-1710.

Respectfully submitted,


Corinne M. Pouliquen
Registration No. 35,753

Patent Administrator
KATTEN MUCHIN ZAVIS
525 West Monroe Street, Suite 1600
Chicago, IL 60661-3963
Fax: (312) 906-1021

Date: 3/1/02

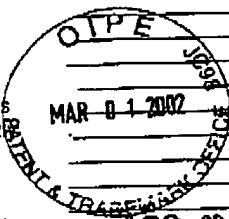
The Patent Office acknowledges, and has stamped hereon, the date of receipt of the items checked:

DUE DATE: _____ ☐ SMALL ENTITY Today's Date: 3/1/02
() Information Disclosure Statement w/
PTO 1449
Doc. No. 114205.1301 () Assignment and Fee
() Response to Missing Parts
Applicants: SEBTL et al. () Response to Restrict./Elect. Req.
() Amendment
Appl. No. 09/811945 () Supplemental/Substitute Declaration
() Request for Approval of Drawing Revisions
Filed: 3/21/01 () Change of Address/Associate Power of Atty
() Notice of Appeal and Fee
Group Art Unit: 1645 () Appeal Brief (3 copies) and Fee
() Reply Brief (NO FEE)
Examiner _____ () Extension of Time 3 months - chgo dep acct \$780.00 Check
() Formal Drawings 16 sheets
() Issue Fee
() Other: Pat. to Revive & fee by check \$1640.00 dep Acct.
* Copy of Notice of Incomplete Reply \$50-1710
Total: _____
☐ Charge to Deposit Acct _____ ☐ Charge to Deposit Acct. 50-1710 Init: CMP:nc

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The Patent Office acknowledges, and has stamped hereon, the date of receipt of the items checked:

DUE DATE: _____ ☐ SMALL ENTITY Today's Date: 3/1/02
() Information Disclosure Statement w/
PTO 1449
Doc. No. 114205.1301 () Assignment and Fee
() Response to Missing Parts
Applicants: SEBTL et al. () Response to Restrict./Elect. Req.
() Amendment
Appl. No. 09/811945 () Supplemental/Substitute Declaration
() Request for Approval of Drawing Revisions
Filed: 3/21/01 () Change of Address/Associate Power of Atty
() Notice of Appeal and Fee
Group Art Unit: 1645 () Appeal Brief (3 copies) and Fee
() Reply Brief (NO FEE)
Examiner _____ () Extension of Time 3 months - chgo dep acct \$780.00 Check
() Formal Drawings 16 sheets
() Issue Fee
() Other: Pat. to Revive & fee by check \$1640.00 dep Acct.
* Copy of Notice of Incomplete Reply \$50-1710
Total: _____
☐ Charge to Deposit Acct _____ ☐ Charge to Deposit Acct. 50-1710 Init: CMP:nc





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PEPPER HAMILTON LLP
600 FOURTEENTH STREET, N.W.
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of
Sebti, et al.
Application No. 09/811,945
Filed: March 21, 2001
Attorney Docket No. 114205.1301

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b), filed March 1, 2002, to revive the above-identified application.

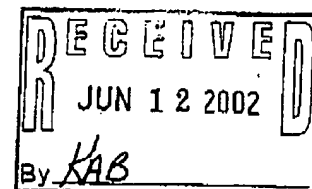
The petition is **granted**.

This application became abandoned for failure to respond in an appropriate and timely manner to the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") mailed May 30, 2001, which set forth an extendable two (2) month period for reply. On October 1, 2001, petitioner obtained an extension of time within the second month and filed a response to the Notice that included a declaration and the payment of \$65.00 surcharge. The Notice also required, however, that substitute drawings be filed, but the record does not reflect that petitioner filed any drawings with the October 1, 2001, filing. A "Notice of Incomplete Reply" was mailed on October 26, 2001, indicating that substitute drawings were still required and informing petitioner that the period for reply remained as set forth in the "Notice to File Missing Parts of Nonprovisional Application." No further communications were mailed or filed until the instant petition filed March 1, 2001.

The petition for extension of time filed March 1, 2002, is noted, however, it cannot be granted because the request was made outside the maximum statutory period set for reply. The fee remitted for the extension of time will be refunded in due course.

The address as cited on the instant petition differs from the address of record. Although a copy of this decision is being mailed to the address as cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions are received to the contrary.

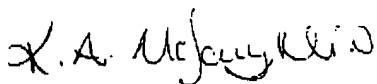
The application is being forward to the Office of Initial Patent Examination for further processing.



Page 2

In re Application Sebti, et al.
09/811,945

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Katten, Muchin, Zavis
525 West Monroe Street, Suite 1600
Chicago, IL 60661-3963